



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/724,606      | 11/28/2000  | Dexter A. Burleigh   | 06558/007002        | 7648             |

22511 7590 12/02/2004

OSHA & MAY L.L.P.  
1221 MCKINNEY STREET  
HOUSTON, TX 77010

|          |
|----------|
| EXAMINER |
|----------|

THAI, HANH B

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2161

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/724,606

Applicant(s)

BURLEIGH ET AL.

Examiner

Hanh B Thai

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on amendment filed October 27, 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant argues on pages 15-17 regarding the “update” function has been fully considered. Examiner suggests that the clarification can be made based on the specification page 21, line 21 to page 22, line 22 and page 29, line 20 to page 31, line 10.

Applicant argues on page 18 that “Lu does not show or suggest team members using another program being automatically updated by the work performed by another team member using another program”. However, it is noted that the “team members using another program being automatically updated by the work performed by another team member using another program” is not reflected in the claim language.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claims 1, 15 and 21, it is not clear what “update each other” mean. What is being updated and how it is performed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2161

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 28-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bentley et al. (U. S. Patent no. 6,341,291) in view of Armitage (U. S. Patent no. 5,475,589).

Regarding claim 28, Bentley discloses a method for managing a portfolio, comprising:

having a plurality of asset team members each using an application related to a function of the respective asset team member to generate data; the asset team members (see col. 5, lines 44-63, Bentley) comprising engineers (see col. 5, lines 44-50 and col. 6, lines 60-64, Bentley) and administrator (see col. 23, lines 29-36, Bentley); and automatically updating related data (see col. 9, lines 31-45, Bentley).

Bentley, however, does not disclose that the related hydrocarbon-producing portfolio data. Armitage, on the other hand, discloses these limitations on (col. 4, lines 57-66; col. 5, lines 7-14 and col. 7, lines 44-46, Armitage). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bentley, as taught by Armitage. The motivation of doing so would have been to improve accuracy in hydrocarbon exploration and development (col. 4, lines 13-14, Armitage).

Regarding claim 29, Bentley/Armitage combination discloses a seismic interpretation application and a petroleum land management application and a drilling engineering application, and a portfolio optimization application (see col. 4, lines 57-66 and col. 5, lines 7-14; Fig. 3 and Fig. 20, Armitage).

Regarding claims 30 and 35, Bentley/Armitage combination further discloses that at least one business process model to select ones of the corresponding data to generate modeled data

Art Unit: 2161

(see col. 19, lines 58-62, Lu and col. 4, lines 57-66; col. 5, lines 7-14 and col.7, lines 44-46, Armitage).

Regarding claim 31, Bentley/Armitage combination further discloses that at least one business process model comprises determining an optimized drilling schedule (see col.7, lines 42-44 and col. 11, lines 48-58, Armitage).

Regarding claim 32, Bentley/Armitage combination further discloses that at least one selected from product price forecasts and production predictions (see col. 6, lines 62-67, Armitage).

Regarding claim 33, Bentley/Armitage combination further discloses that at least one selected from developing most profitable assets first, achieving a selected net cash flow, achieving a selected earnings, achieving a selected level of production, satisfying obligations on time, and developing assets to achieve the greatest net cash flow in a selected amount of time for a selected amount of capital (see col. 4, lines 1-14, Armitage).

Regarding claim 34, Bentley/Armitage combination further discloses that at least one business process model comprises forecasting hydrocarbon production (see Fig. 3 and col. 2, lines 61-67, Armitage).

Regarding claim 36, Bentley/Armitage combination further discloses that at least one business process model comprises determining drilling costs associated with at least one prospectively drilled well (see col.3, lines 1-7, Armitage).

Regarding claim 37, Bentley/Armitage combination further discloses that the hydrocarbon-producing portfolio comprises existing and prospective well locations, petroleum land management information related to the existing and an prospective well locations, capital

Art Unit: 2161

equipment disposed in the existing wells, capital equipment proposed for existing and prospective wells, and estimated hydrocarbon reserves in reservoirs penetrated by the existing and prospective wells (see col.7, lines 42-44, Armitage).

Regarding claims 38-40, Bentley/Armitage combination further discloses that the notifying at least one of the asset team members that corresponding data used by the one of the applications used by the at least one asset team member have been updated by operation of the other one of the applications used by at least one other asset team member (see col. 9, lines 31-45, Bentley).

***Allowable Subject Matter***

4. Claims 1-27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Based on applicant's remarks on pages 15-17, regarding the "update" function has been fully considered. Examiner suggests that applicant further clarifies the update function based on the specification at page 21, line 21 to page 22, line 22 and page 29, line 20 to page 31, line 10.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 571-272-4029. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh B Thai  
Examiner  
Art Unit 2161

November 24, 2004

  
**UYEN LE**  
**PRIMARY EXAMINER**